

**Minutes of  
S.C. Board of Health and Environmental Control  
Meeting**

**August 11, 2005**

The S.C. Board of Health and Environmental Control met on Thursday, August 11, 2005, at 10:00 a.m. in the S.C. Department of Health and Environmental Control Board Room, 2600 Bull Street, Columbia, S.C. (Attachment 0-1)

The following members were in attendance:

Elizabeth M. Hagood, Chairman  
Member-at-large

Steven G. Kisner, Secretary  
Aiken, 3<sup>rd</sup> District

Henry C. Scott  
Allendale, 2<sup>nd</sup> District

Paul C. Aughtry  
Greenville, 4<sup>th</sup> District

Glenn A. McCall  
Rock Hill, 5<sup>th</sup> District

Coleman F. Buckhouse, MD  
Florence, 6<sup>th</sup> District

Also in attendance were Commissioner Earl Hunter and guests. (Attachment 0-2)

Mr. McCall gave the invocation.

Chairman Hagood stated notice of this meeting has been provided to all persons, organizations and news media, which have requested notification, as required by section 30-4-80(e) of the South Carolina Code of Laws.

**Item 1: Consideration of July 14, 2005, meeting minutes - For Approval** (Attachment 1-1)

*Mr. Kisner moved, seconded by Mr. McCall, to approve the minutes of the July 14, 2005, meeting. Approved*

**Item 2: Monthly Award for Excellence – July and August 2005** (Attachment 2-1)

The following were recognized by Commissioner Hunter:

- July - Commissioner's Office – Nancy Allen;  
Environmental Quality Control – Pam Marvin;  
Health Regulation – Beth Knight;  
Health Services – Dianna Lydiard;  
Appalachia I Health District – Freda Dockins;  
Appalachia II Health District – Sandra Syracuse;  
Catawba Health District – Bill Phillips;  
Edisto/Savannah Health District – Linda Gerber;  
Low Country Health District – Vicki Prescott;  
Palmetto Health District – Betty Washington;  
Trident Health District – Wanda Hayes;  
Waccamaw Public Health District – Patricia Johnson;  
Wateree Public Health District – Rebecca Broadway;  
OCRM/Charleston – Bill Kregloe.
- August - Commissioner's Office – Jay Eichler;  
Environmental Quality Control – Paul Wilkie;  
Health Regulations – Art Starnes;  
Health Services – SCORES Team/Hellen Dekle, Kymburie Gripper;  
Appalachia I Health District – Amy Rice;  
Appalachia II Health District – Wally Attaway;  
Edisto/Savannah Health District – Ann Edwards;  
Low Country Health District – Tammy Evans;  
Palmetto Health District – Richland County WIC Staff;  
Wateree Health District – Salmonella Outbreak Response Team/Mary Ann Nugent, Dr. Gil Potter, Susan Best, James Arthur, Brad Collier, David Vaughan, Steve Broome, Steve Edwards, Linda Johnson, Diane McDonald, Rhonda Rabon, Tammy McKenna, Carl Sosa, Cindy Robertson, Sara Wells, Derrick Mims, Missy Reese, Ruthie Odom, Casie Crowder, Harry Baisden, Angela Tidwell, Ralph Bleasdale;  
Waccamaw Health District – Lavonda Naron;  
OCRM/Charleston – Shanetra Green.

Commissioner Hunter introduced Ms. Carolyn Boltin as the new Deputy Commissioner for Ocean and Coastal Resource Management.

**Item 3: PUBLIC HEARING AND REQUEST FOR FINAL APPROVAL – Proposed Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the South Carolina State Implementation Plan** (Attachment 3-1)

Ms. Renee' Shealy, Bureau of Air Quality, presented this item to the Board. The Department proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP) to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations. The proposed amendments are necessary to maintain consistency with Federal rules and will not require legislative review. The Summary of Proposed Revisions and Text of the Proposed Amendments are submitted as Attachments B and C, respectively. Among the revisions being proposed are amendments to R. 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards (NSPS)*; R. 61-62.61, *National Emission Standards For Hazardous Air Pollutants (NESHAP)*; and R. 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate recent Federal amendments promulgated during the period from January 1, 2004, through December 31, 2004. The Department also proposes to amend R. 61-62.1, *Definitions and General Requirements*, to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) promulgated by the Environmental Protection Agency (EPA) on November 29, 2004.

A public hearing was conducted. (Attachment 3-2)

*Mr. Scott moved, seconded by Dr. Buckhouse, to find for the need and reasonableness of the proposed amendments to Regulation 61-62, Air Pollution Control Regulations and Standards, and the SIP and approve and adopt them as final upon publication in the State Register. Approved.*

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 3-3)

**Item 4: CONTESTED CASE – South Carolina Department of Health and Environmental Control, Respondent, vs. Lisa C. Harris, d/b/a Kountry Kare, Petitioner, Docket No. 04-ALJ-07-0211-CC**(Attachment 4-1)

Ms. Hagood announced this item had been continued until the September 8, 2005, meeting at the request of the Petitioner.

**ITEM 5: MOTION TO DISMISS - Consultants in Gastroenterology, P.A., et al., Respondents, vs. South Carolina Department of Health and Environmental Control, Respondent, and South Carolina Medical Endoscopy Center, Inc., Petitioner, Docket No. 03-ALJ-07-0409-CC** (Attachment 5-1)

**CONTESTED CASE - Consultants in Gastroenterology, P.A., et al., Respondents, vs. South Carolina Department of Health and Environmental Control, Respondent, and South Carolina Medical Endoscopy Center, Inc., Petitioner, Docket No. 03-ALJ-07-0409-CC** (Attachment 5-1)

Ms. Elizabeth Potter, Esq. introduced the case to the Board and stated that the Motion to Dismiss would be heard first. The parties were represented as follows:

Consultants in Gastroenterology, P.A., et al. – David Summer, Esq.;  
South Carolina Department of Health and Control – Nancy Roberts, Esq.;  
South Carolina Medical Endoscopy Center, Inc. -- Christian Stegmaier, Esq., and Arial King, Esq.

***Dr. Buckhouse moved, seconded by Mr. Aughtry, to go into Executive Session for the purpose of receiving legal advice. Approved.***

Ms. Hagood stated that while in Executive Session no actions were taken.

***Mr. Aughtry moved, seconded by Dr. Buckhouse, to remand back to Administrative Law Court, to consider possible material evidence on the limited issues of land ownership or control raised by the Motion to Dismiss, and to examine the effect on the CON of these property issues. Approved by unanimous vote.***

A verbatim transcript of these proceedings is included as part of the permanent record. (Attachment 5-2)

**Item 6: Administrative and Consent Orders issued by Environmental Quality Control (June 1, 2005 through June 30, 2005) – For Information** (Attachment 6-1)

Ms. Claire Prince, Director, Enforcement and Compliance Assistance, Environmental Quality Control, stated sixteen (16) orders had been issued with penalties of \$53,760.

After discussion, ***the Board accepted this item as information.***

**Item 7: Administrative and Consent Orders issued by Ocean and Coastal Resource Management (June 1, 2005 through June 30, 2005) – For Information** (Attachment 7-1)

Mr. Steve Brooks, Office of Ocean and Coastal Resource Management, stated three (3) orders had been issued with penalties of \$3,750.

***The Board accepted this item as information.***

**Item 8: Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation (March 1, 2005 through April 30, 2005) – For Information** (Attachment 8-1)

Mr. Dennis Gibbs, Health Licensing, stated four (4) actions had been taken with penalties of \$10,970.

***The Board accepted this item as information.***

### **Item 9: Agency Affairs**

Commissioner Hunter reported the following:

1. National Incident Management System (NIMS) training agency participation;
2. Budget Development Update;
3. Agency Health Promotion Update;
4. Solid Waste Management Plan (Attachment 9-1);
5. Highway 17 Widening Project;
6. DHEC's induction into the US EPA WasteWise Hall of Fame.

### **Item 8: Legal Report – For Information**

Mr. Carl Roberts updated the Board on legal issues.

*Mr. Blackmon moved, seconded by Mr. Brazell, to go into Executive Session for the purpose of receiving an updated on matters in litigation, receipt of legal advice covered by the attorney-client privilege and discussion of an employment matter with the Director of Personnel. Approved.*

While in Executive Session, no actions were taken.

The meeting adjourned.

All referenced attachments are made a permanent part of these minutes.

Respectfully submitted,

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Steven G. Kisner  
Secretary of the Board

Minutes approved this 8th day of September 2005.

ATTEST:

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Elizabeth M. Hagood  
Chairman

Attachments

- 0-1 Agenda
- 0-2 Sign-in Sheet
- 1-1 July 14, 2005, Board Meeting minutes
- 2-1 Monthly Award for Excellence for July and August 2005
- 3-1 **Public Hearing and Request for Final Approval** – Proposed Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards
- 3-2 Sign-in Sheet
- 3-3 Verbatim Transcript
- 5-1 **Motion to Dismiss/Contested Case Hearing** – Consultants in Gastroenterology, et al. vs. SCDHEC and SC Medical Endoscopy
- 5-2 Verbatim Transcript
- 6-1 Administrative and Consent Orders issued by EQC
- 7-1 Orders issued by OCRM
- 8-1 Administrative Orders, Consent Orders and Sanction Letters issued by Health Regulation
- 9-1 Solid Waste Management Plan update